



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120

IN REPLY PLEASE
REFER TO OUR FILE

December 28, 2023

A-2023-3043464

TO ALL PARTIES OF RECORD

Application of Allegheny Valley Railroad Company for approval to alter the public crossing (DOT 145 565 T) by installing a new crossing surface and new active railroad warning devices where Valley View Road (State Route 1057) crosses, at grade, a track of the Allegheny Valley Railroad Company, located in Nottingham Township, Washington County.

To Whom It May Concern:

This matter is before us by reason of an application filed September 25, 2023, by the Allegheny Valley Railroad Company (AVR) for approval to alter the public crossing (DOT 145 565 T) by installing a new crossing surface and new active railroad warning devices where Valley View Road (State Route 1057) crosses, at grade, a track of the Allegheny Valley Railroad Company, located in Nottingham Township, Washington County.

Upon receipt of the application, a field investigation and conference was arranged by a Commission staff engineer and held on November 16, 2023. Attending the field conference were representatives from the Pennsylvania Department of Transportation and AVR. Although invited to the field conference by letter sent by electronic mail on November 6, 2023, no representatives participated in the meeting from Nottingham Township, Washington County, West Penn Power or Pennsylvania American Water Company.

According to the Federal Railroad Administration's grade crossing database the public crossing has 2 train movements per day at a maximum timetable speed of 20 miles per hour. Valley View Road was reported as having an average daily traffic volume of 630 vehicles and has a posted speed limit of 25 miles per hour.

Valley View Road consists of a two-lane asphalt roadway with no sidewalks, which crosses, at grade, a track of AVR. The crossing previously had an asphalt crossing surface with crossbucks and yield signs for warning facilities. At the field conference, it was noted that there are stop lines, pavement markings and Grade Crossing Advance Warning (W10-1) signs on both approaches to the crossing.

At the field conference, the AVR described the details of the project and provided a situation plan attached to the subject application. AVR, at its sole cost and expense, will remove the existing crossing surface, install a new asphalt and rail seal crossing surface for the full width of the roadway and shoulders, and install new post-mounted flashing-light LED warning signals with gates and a bell.

At the field conference, it was determined that some of the alterations described in the application have already been performed at the crossing by the AVR. The new rail seal crossing surface was installed for the full width of the roadway and shoulders. The signals are installed but are not operational as they still need connected to power and tested. The warning signals and gates shall be installed according to the situation plan, entitled "EXHIBIT A" consisting of one sheet, attached to the subject application. AVR was directed to submit detailed circuitry plans to the parties for review and to the Commission for approval.

The Commission will affirm and memorialize the crossing alterations previously completed by AVR.

AVR agrees to the future maintenance of all railroad facilities at the subject crossing including the active railroad warning devices and the crossing surface.

Pennsylvania Department of Transportation agrees to the future maintenance of the approach roadways, stop lines and Grade Crossing Advance Warning (W10-1) signs and pavement markings.

No party in attendance at the field conference objected to the alterations as proposed by the AVR.

The Commission hereby establishes its jurisdiction limits at the subject crossing as the area within the confines of the railroad right-of-way and the highway right-of-way.

The Commission has exclusive jurisdiction in crossing alterations and is the final arbiter of any fees associated with a crossing application. Any conditions, including fees associated with a crossing application must be approved by the Commission.

AVR will provide 100% of the funding. The estimated project cost is \$100,000.00.

It does not appear that any facilities of any non-carrier public utility will be affected by the alteration of these crossing.

Upon full consideration of the matters involved and inasmuch as no objection has been filed with the Commission, we find that a Secretarial Letter can be issued approving the application and affirming the work that has already been completed without a formal hearing.

The Commission issues this Secretarial Letter in accordance with Section 2702 of the Public Utility Code and finds that the alteration of the subject crossing is necessary and proper for the service, accommodation, convenience or safety of the public.

The application of Allegheny Valley Railroad Company is approved as herein directed:

1. The caption of the subject proceeding is hereby revised as shown.
2. The public crossing (DOT 145 565 T) where Valley View Road (State Route 1057) crosses, at grade, a track of the Allegheny Valley Railroad Company, located in Nottingham Township, Washington County, be affirmed for the completion of work performed by the Allegheny Valley Railroad Company to install a new asphalt and rail seal crossing surface; and be altered in accordance with the situation plan submitted on September 25, 2023, entitled, "EXHIBIT A," consisting of one (1) sheet, which plan is made part hereof and is hereby approved except insofar as they may relate to the division of work, deletion of work, or the allocation of costs and expenses incident to the installation of the project
3. Allegheny Valley Railroad Company, at its sole cost and expense, submit a detailed circuitry plan for the subject crossing to the Commission for approval.
4. Allegheny Valley Railroad Company, at its sole cost and expense, furnish all material and do all work necessary to alter the subject crossing by installing new post-mounted flashing-light LED warning signals with gates and a bell on each approach to the crossing, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices, the approved plans and this Secretarial Letter.
5. Allegheny Valley Railroad Company, at its sole cost and expense, furnish and maintain any flagmen, watchmen, inspectors and/or engineering services, which may be necessary to protect and safeguard its railroad operations or facilities during the time the project is being constructed.
6. Allegheny Valley Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to establish and maintain any detours or traffic controls at the subject crossing that may be required to properly and safely accommodate highway and pedestrian traffic during the time the crossing is being altered.
7. Allegheny Valley Railroad Company, pay all compensation for damages due to the owners of any property taken, injured or destroyed by reason of the alteration of the subject crossing in accordance with this Secretarial Letter.
8. Any relocation of, changes in and/or removal of any adjacent structures, equipment or other facilities of any non-carrier public utility company, which may be required as incidental to the alteration of the crossing, be made by said public utility at its initial cost and expense and in such manner as will not interfere with the alteration of the crossing; and such relocated or altered facilities thereafter be maintained by said public utility at its sole cost and expense.

9. All parties involved herein cooperate fully with each other so that during the time the work is being performed, vehicular, pedestrian and railroad traffic will not be endangered or unnecessarily inconvenienced and so that the requirements of each of the parties will be provided for and accommodated insofar as possible.

10. All work necessary to complete the alteration of the subject crossing be done in a manner satisfactory to this Commission on or before May 31, 2024, and that on or before said date, Allegheny Valley Railroad Company, report the date of actual completion of the work.

11. Upon completion of the alteration of the subject crossing, Pennsylvania Department of Transportation, at its sole cost and expense, furnish all material and do all work necessary to maintain the highway approaches to the subject crossing to points twenty-four (24) inches beyond each outside rail and, in addition, maintain the stop lines, pavement markings and the Grade Crossing Advance Warning (W10-1) signs on the approaches thereto, in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide at least ten (10) business days of advance notice to Allegheny Valley Railroad Company, when performing any work that may affect their facilities, as directed by this paragraph.

12. Upon completion of the alteration of the subject crossing, Allegheny Valley Railroad Company, at its sole cost and expense, furnish all material and perform all work necessary to maintain its railroad facilities at the subject crossing, including the warning devices and all appurtenant equipment, and maintain at all times in a smooth and satisfactory condition the crossing surface located between the rails and for a distance of twenty-four (24) inches beyond the outermost rails, all in accordance with Part 8 of the Manual on Uniform Traffic Control Devices and this Secretarial Letter; and provide Pennsylvania Department of Transportation at least ten (10) business days advance notice when performing any work as directed under this paragraph.

13. Upon completion of the work herein directed, and upon written request from any party of record, this proceeding be scheduled for a hearing at a time and place to be determined by the Commission, for the purpose of taking testimony upon the final allocation of any costs incurred by the public utility companies and other matters relevant to this proceeding.

The Parties are reminded that failure to comply with this or any Order or Secretarial Letter in this proceeding may result in an enforcement action seeking civil penalties and/or other sanctions pursuant to 66 Pa. C.S. § 3301.

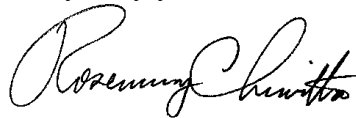
All formal documents must be filed with the Secretary of the Commission. Documents must be eFiled, mailed or hand delivered. All filings should be addressed to the Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. The Commission will not accept documents delivered by fax or by e-mail. Parties are encouraged to file formal documents by eFiling with the Secretary of the Commission by opening an eFiling account through the Commission's website (the account is free of charge) and accepting eservice at <https://www.puc.pa.gov/filing-resources/efiling/>.

If your filing contains confidential material, you are required to file by overnight delivery to ensure the timely filing of your submission. There are certain filings that cannot be eFiled, such as filings containing confidential or proprietary material. These must be submitted to the Secretary by overnight delivery, priority, or certified mail to allow tracking of your filing.

If you are dissatisfied with the resolution of this matter, you may, as set forth in 52 Pa. Code §§ 1.31 and 5.44, file a Petition for Reconsideration from Staff Action (Petition) with the Commission within twenty (20) days of the date of this letter. The Petition shall be eFiled with the Secretary of the Commission or sent to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120, and must be filed within twenty (20) days, or if no timely request is made, the action will be deemed to be a final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request; (2) the case docket number (it is provided for you at the top right-hand corner of this letter); (3) the party on whose behalf the petition is made; (4) a Certificate of Service on the other parties of record; and (5) a Verification with original signature in accordance with 52 Pa. Code § 1.36.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary